

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Max Bernstein	Team: Team # 6	CCRB Case #: 201200057	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 01/01/2012 2:00 AM	Location of Incident: 198th Street and 115th Avenue, 113th Precinct	Precinct: 113	18 Mo. SOL 7/1/2013	EO SOL 7/1/2013	
Date/Time CV Reported Mon, 01/02/2012 11:06 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 01/02/2012 11:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			113 PCT
2. POM Charles Lovelock	22435	942082	113 PCT
3. Officers			113 PCT
4. POM James Zozzaro	28340	942747	113 PCT
5. POM Aaron Lohman	07378	942071	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Michael Hoehl	00000	924673	113 PCT
2. POM Michael Moran	05451	925777	113 PCT
3. POM Eric Jordan	09041	941973	113 PCT
4. POM Michael Ferrari	22463	946984	113 PCT
5. POM Matthew Vorraro	15194	939668	113 PCT
6. POM Jason Zummo	11153	939739	113 PCT
7. POF Connie Duncan	14394	941689	113 PCT
8. POM John Dammacco	05546	946892	113 PCT
9. SGT Greg Vallerugo	02315	927621	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Charles Lovelock	Force: PO Charles Lovelock hit § 87(2)(b) with a car door at 198th Street and 115th Avenue in Queens.	
B.POM James Zozzaro	Force: PO James Zozzaro struck § 87(2)(b) with an asp at 198th Street and 115th Avenue in Queens.	
C.POM James Zozzaro	Force: PO James Zozzaro used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.	
D. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue in Queens.	
E.POM Aaron Lohman	Force: PO Aaron Lohman used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.	
F. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue in Queens.	
G.POM Aaron Lohman	Abuse: PO Aaron Lohman threatened to arrest § 87(2)(b) at 198th Street and 115th Avenue in Queens.	
H. An officer	Force: An officer used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.	
I. An officer	Force: An officer struck § 87(2)(b) with an asp at 198th Street and 115th Avenue in Queens.	
J. An officer	Abuse: An officer damaged § 87(2)(b) property at 198th Street and 115th Avenue in Queens.	
K.POM James Zozzaro	Force: PO James Zozzaro used § 87(2)(b) in Queens.	
L.POM James Zozzaro	Off. Language: PO James Zozzaro made remarks to § 87(2)(b) based upon race at 198th Street and 115th Avenue, in Queens.	
M.POM James Zozzaro	Abuse: PO James Zozzaro threatened § 87(2)(b) with the use of force at 198th Street and 115th Avenue in Queens.	
N.POM James Zozzaro	Force: PO James Zozzaro used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.	
O.POM James Zozzaro	Abuse: PO James Zozzaro damaged § 87(2)(b) property at 198th Street and 115th Avenue in Queens.	
P.POM James Zozzaro	Discourtesy: PO James Zozzaro spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue in Queens and at the 113th Precinct stationhouse.	
Q. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon sexual orientation at 198th Street and 115th Avenue in Queens.	
R.POM Charles Lovelock	Abuse: PO Charles Lovelock did not obtain medical treatment for § 87(2)(b) at the 113th Precinct stationhouse.	
S.POM Charles Lovelock	Abuse: PO Charles Lovelock did not obtain medical treatment for § 87(2)(b) at the 113th Precinct stationhouse.	
T.POM James Zozzaro	Discourtesy: PO James Zozzaro spoke discourteously to § 87(2)(b) Rivers at the 113th Precinct stationhouse.	
U.POM Charles Lovelock	Off. Language: PO Charles Lovelock made remarks to § 87(2)(b) based upon sex at the 113th Precinct stationhouse.	
V. Officers	Off. Language: Officers made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.	

Officer(s)	Allegation	Investigator Recommendation
W.POM James Zozzaro	Off. Language: PO James Zozzaro made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.	
X.POM James Zozzaro	Discourtesy: PO James Zozzaro spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.	
Y.POM James Zozzaro	Discourtesy: PO James Zozzaro spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.	
Z. Officers	Abuse: Officers threatened § 87(2)(b) with the use of force at the 113th Precinct stationhouse.	
2A. Officers	Off. Language: Officers made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.	
2B. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.	
2C. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.	

Case Summary

On January 1, 2012, § 87(2)(b) filed this complaint via telephone with the Internal Affairs Bureau (IAB). She made the complaint on behalf of herself, her boyfriend § 87(2)(b) and § 87(2)(b). On January 1, 2012, § 87(2)(b) and § 87(2)(b) filed duplicates of this complaint with IAB via telephone. Additionally, on January 2, 2012, § 87(2)(b) filed another duplicate of this complaint with the CCRB via the Call Processing System.

On January 1, 2012, at approximately 1:15 a.m., officers from the 113th Precinct conducted a vehicle stop on 198th Street and 115th Avenue in Queens, resulting in five arrests and the following allegations:

- **Allegation A: Force—PO Charles Lovelock hit § 87(2)(b) with a car door at 198th Street and 115th Avenue in Queens.**
- **Allegation B: Force—PO James Zozzaro struck § 87(2)(b) with an asp at 198th Street and 115th Avenue in Queens.**
- **Allegation C: Force—PO James Zozzaro used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.**
§ 87(2)(g)
- **Allegation D: Discourtesy—An officer spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue in Queens.**
- **Allegation F: Discourtesy—An officer spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue in Queens.**
- **Allegation H: Force—An officer used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.**
- **Allegation I: Force—An officer struck § 87(2)(b) with an asp at 198th Street and 115th Avenue in Queens.**
- **Allegation J: Abuse of Authority—An officer damaged § 87(2)(b)'s property at 198th Street and 115th Avenue in Queens.**
- **Allegation Q: Offensive Language—An officer made remarks to § 87(2)(b) based upon sexual orientation at 198th Street and 115th Avenue in Queens.**
- **Allegation V: Offensive Language—Officers made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.**
- **Allegation Z: Abuse of Authority—Officers threatened § 87(2)(b) with the use of force at the 113th Precinct stationhouse.**
- **Allegation 2A: Offensive Language—Officers made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.**
- **Allegation 2B: Discourtesy—An officer spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.**
- **Allegation 2C: Discourtesy—An officer spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.**

§ 87(2)(g)

§ 87(2)(g)

- **Allegation E: Force—PO Aaron Lohman used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.**
- **Allegation G: Abuse of Authority—PO Aaron Lohman threatened to arrest § 87(2)(b) at 198th Street and 115th Avenue in Queens.**
- **Allegation N: Force—PO James Zozzaro used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.**

§ 87(2)(g)

- **Allegation K: Force—PO James Zozzaro used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.**
- **Allegation L: Offensive Language—PO James Zozzaro made remarks to § 87(2)(b) based upon race at 198th Street and 115th Avenue in Queens.**
- **Allegation M: Abuse of Authority—PO James Zozzaro threatened § 87(2)(b) with the use of force at 198th Street and 115th Avenue in Queens.**
- **Allegation O: Abuse of Authority—PO James Zozzaro damaged § 87(2)(b)'s property at 198th Street and 115th Avenue in Queens.**
- **Allegation P: Discourtesy—PO James Zozzaro spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue in Queens and at the 113th Precinct stationhouse.**
- **Allegation R: Abuse of Authority—PO Charles Lovelock did not obtain medical treatment for § 87(2)(b) at the 113th Precinct stationhouse.**
- **Allegation S: Abuse of Authority—PO Charles Lovelock did not obtain medical treatment for § 87(2)(b) at the 113th Precinct stationhouse.**
- **Allegation T: Discourtesy—PO James Zozzaro spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.**
- **Allegation W: Offensive Language—PO James Zozzaro made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.**
- **Allegation X: Discourtesy—PO James Zozzaro spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.**
- **Allegation Y: Discourtesy—PO James Zozzaro spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.**

§ 87(2)(g)

- **Allegation U: Offensive Language—PO Charles Lovelock made remarks to § 87(2)(b) based upon sex at the 113th Precinct stationhouse.**

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§ 87(2)(g)

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. He is a black male, who stands 5'9" tall, weighs 180 pounds, and has black hair and dark eyes. § 87(2)(b)

§ 87(2)(b)

Statements to Medical Personnel

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) in Queens (encl. 50A-J). He stated that police broke his tooth and was hit on both wrists. He also complained of recurrent back pain.

CCRB Statement:

On March 22, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 17A-D). His statement is summarized below.

On January 12, 2012, at approximately 2:30am, § 87(2)(b) was on his way to his friend's-cousin's house (identified through investigation as § 87(2)(b) for a New Year's Eve gathering of about 15 to 20 people in her house on 115th Street, in Queens. While at the party, § 87(2)(b) heard a loud screech and crashing sound coming from outside. § 87(2)(b) and approximately ten others went outside to see where the sound was coming from. § 87(2)(b) observed two women and several children in a vehicle, which had crashed into a parked car and five uniformed officers on foot interacting with the woman. § 87(2)(b) briefly interacted with the younger woman from the car accident, who stated that she had just returned from church. He also had a cordial conversation with an unidentified officer.

Approximately 15 to 20 minutes later, § 87(2)(b) saw flashing lights and heard males yelling "Help, they're beating us. They're trying to kill us," coming from around the corner (unsure of the specific street name). § 87(2)(b) and approximately four or five other people, including a male named "§ 87(2)(b) (identified through investigation as § 87(2)(b) § 87(2)(b)s fiancé, and two of § 87(2)(b)s cousins, whose names § 87(2)(b) did not know, walked around the corner to see what was going on.

§ 87(2)(b) observed three black males whom he did not know (identified through investigation as § 87(2)(b) and § 87(2)(b) and two uniformed officers standing near a marked patrol vehicle. One of the officers, who was a white male, approximately 6'3" tall, in his early 30's, with low cut dark hair (identified through investigation as PO James Zozzaro of the 113th Precinct) pushed a baton into the back of one of the males (identified through investigation as § 87(2)(b) and punched him in the face while on the left side of the vehicle. At the same time, another white male officer, approximately 5'9" tall, in his late 30s, with a chubby build (identified through investigation as PO John Dammacco of the 113th Precinct) was on the other side of the vehicle trying to get § 87(2)(b) into the backseat. § 87(2)(b) did not fit inside, but PO Dammacco closed the door on § 87(2)(b)s

foot before he was fully inside of the vehicle. § 87(2)(b) complained that his foot was broken as a result.

§ 87(2)(b) stood approximately 10 feet away and used his mobile phone and began to record the incident. When the officers noticed § 87(2)(b) recording, they stopped attempting to place the § 87(2)(b) brothers in the car and instead leaned them on the trunk of the police vehicle. At this point, four or five other civilians were recording the incident.

§ 87(2)(b) saw PO Zozzaro hit one of the males with a baton, but § 87(2)(b) did not know which civilian was hit. Both officers then asked everyone to leave, but § 87(2)(b) did not leave but instead asked why the officers were getting physical with the § 87(2)(b) despite the fact that they were not resisting. PO Zozzaro responded by making statements similar to, “Get out of here. You’ll be arrested.” One of the officers stated, “Get the fuck out of here or you’ll be arrested,” but § 87(2)(b) did not recall which officer made this statement. By this time, the crowd had grown to approximately 15 people. Onlookers were telling the officers in a normal tone to leave the civilians alone because they were not resisting.

PO Zozzaro then called for back-up and approximately 30 police officers arrived in two marked vans and about 15 marked cars. PO Zozzaro pointed to several people who were recording the incident including § 87(2)(b) and § 87(2)(b) and told other officers to arrest them. During § 87(2)(b) arrest, § 87(2)(b) observed an officer whom he could not describe wrap § 87(2)(b) hair around his hand and pull it.

Another uniformed officer approached § 87(2)(b) from behind and struck him on the back with his asp, which caused § 87(2)(b) to stumble forward. § 87(2)(b) could not describe the officer who did this and he believed he was one of the responding officers. The same officer then grabbed § 87(2)(b)'s phone, threw it on the ground and stomped on it three times. The officer then slammed § 87(2)(b) face on the police vehicle and handcuffed him. As a result, § 87(2)(b) face was swollen, his back left tooth chipped and he had severe back pain after aggravating a previous condition. § 87(2)(b) asked why he was being arrested since he was just a witness, at which point PO Zozzaro put his face within five inches of § 87(2)(b) face and stated, “We’re arresting you, you ugly nigger. I can’t stand y’all. What we’re doing now is nothing compared to what’s going to happen when we get to the precinct We’re going to kill you black monkeys.”

§ 87(2)(b) was placed in a police vehicle with § 87(2)(b) and they were transported to the 113th Precinct stationhouse. § 87(2)(b) and § 87(2)(b) were placed in different holding cells. § 87(2)(b) was not provided with water until 13 hours after being detained. When § 87(2)(b) initially asked for water, PO Zozzaro stated, “You’re not getting shit.” Several officers, whom § 87(2)(b) could not describe, walked up to the bars of his holding cell and called him a “Nigger,” and said they would “fucking kill [him]” and “fuck [him] up.”

§ 87(2)(b) asked a white male officer, with a heavy build, wearing glasses, whom he identified by name as PO “Lovelock” (identified through investigation as PO Charles Lovelock of the 113th Precinct) for medical attention several times, but PO Lovelock ignored him. § 87(2)(b) said that he also asked numerous other officers, whom he could not describe, for medical attention. The officers also ignored him.

§ 87(2)(b) was charged with § 87(2)(b), but when he asked an unidentified officer whom he could not describe what his charges were, the officer responded, “Shut the fuck up and don’t worry about it.”

Photo Array:

On August 28, 2012, § 87(2)(b) was shown five photographic arrays at the CCRB (encl. 18A-F). Inv. Patterson and Inv. Watson were present during array.

The first array contained six photos, including Lt. Michael Hoehl, but § 87(2)(b) did not recognize any of the officers in the array. The second array contained six photos, including PO Lovelock in the number 5 slot. § 87(2)(b) recognized photo number 5 and identified him by name as PO Lovelock. He stated that PO Lovelock grabbed him at the stationhouse.

§ 87(2)(b) was presented with three other photo arrays, containing a photos of PO Michael Moran of the 113th Precinct, PO Aaron Lohman of the 113th Precinct, and PO Zozzaro. § 87(2)(b) did not recognize any of those officers.

On March 13, 2013, § 87(2)(b) appeared at the CCRB again to view six single officer photographs (encl. 19A-G). The first photo was of PO John Dammacco of the 113th Precinct. § 87(2)(b) did not identify PO Dammacco by name, but stated that the officer pictured was actively involved in the incident. However, § 87(2)(b) could not specify the officer’s role.

The second photo was of PO Jason Zummo of the 113th Precinct. § 87(2)(b) did not identify PO Zummo by name. § 87(2)(b) stated that the officer pictured was an officer who initially arrested the § 87(2)(b). He was also the officer who called for back-up and instructed responding back-up officers to make arrests. After the back-up officer arrested and handcuffed § 87(2)(b) the officer pictured pushed § 87(2)(b)’s head onto a marked police vehicle and made a statement to § 87(2)(b) regarding killing him and called him a black monkey. The officer pictured did not strike § 87(2)(b) with an asp or break his phone.

§ 87(2)(b) was also shown photos of PO Connie Duncan, PO Matthew Vorraro, and PO Eric Jordan of the 113th Precinct. § 87(2)(b) did not recognize any of these officers.

§ 87(2)(b) then viewed a photo of PO Marc St. Arromand, who § 87(2)(b) recognized as an officer who was in the stationhouse later on in the incident. § 87(2)(b) could not recall PO St. Arromand’s specific role.

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. She is a black female, who stands 5’7” tall, weighs 147 pounds, and has brown hair and brown eyes. § 87(2)(b)

On April 16, 2012, § 87(2)(b) was interviewed at the CCRB with her attorney, § 87(2)(b) (encl. 22A-G). § 87(2)(g)

On January 1, 2012, at approximately 2:00 a.m., § 87(2)(b) and her fiancé, § 87(2)(b) were driving to § 87(2)(b)’s brother and brother’s wife, § 87(2)(b) and § 87(2)(b) home for a small gathering in the vicinity of 198th Street and 115th Avenue in Queens.

§ 87(2)(b) and § 87(2)(b) parked their car on 198th Street and 115th Avenue and exited. Before she parked, § 87(2)(b) had noticed a police vehicle up the block with its sirens on.

While walking up the street, § 87(2)(b) observed three males, who she did not know, who were handcuffed and three officers with them. One of the males was sitting inside of the police vehicle (identified through investigation as § 87(2)(b) and another one of the males (identified through investigation as § 87(2)(b) was being shoved into that same vehicle by an officer § 87(2)(b) identified by name as PO Lovelock. § 87(2)(b) was missing one of his shoes and stated that he was hurt because his foot had been slammed in the car door. § 87(2)(b) was requesting an ambulance. The third male who later introduced himself to § 87(2)(b) as § 87(2)(b) (identified through investigation as § 87(2)(b) was on the opposite side of the police vehicle as § 87(2)(b) § 87(2)(b) saw § 87(2)(b) punched in the face more than once by an officer § 87(2)(b) identified as PO Zozzaro.

The § 87(2)(b) brothers asked § 87(2)(b) and § 87(2)(b) to record the incident because officers were hitting them. § 87(2)(b) and § 87(2)(b) took out their cellphones and recorded. PO Zozzaro said, “The next time there’s a problem in the neighborhood, we won’t respond when there are gunshots. We are protecting you. These boys were drinking and driving.” § 87(2)(b) who remained approximately four or five feet away from the officers on the sidewalk told the officers that despite what the § 87(2)(b) had done wrong, there was no reason to use force against handcuffed individuals. By this time, a group of about five to six pedestrians had gathered, including § 87(2)(b) and § 87(2)(b) s girlfriend, § 87(2)(b).

One of the officers then called for back-up and § 87(2)(b) and § 87(2)(b) continued recording. Less than five minutes later, a back-up unit arrived. § 87(2)(b) and § 87(2)(b) decided to walk away because they feared the situation was going to escalate. As § 87(2)(b) and § 87(2)(b) continued up the block, PO Zozzaro shouted for an officer to arrest § 87(2)(b) and arrest § 87(2)(b). The officer, whom § 87(2)(b) described as a white male, 6’2” tall, chubby, and bald (identified through investigation as PO Aaron Lohman) ran up to § 87(2)(b). PO Lohman grabbed § 87(2)(b) left arm and slapped a handcuff on it, then twisted her arm and push her down, causing her knees to buckle. § 87(2)(b) did not go to the ground. § 87(2)(b) screamed out, “Why am I being arrested? Help! Get off of me.” After PO Lohman handcuffed § 87(2)(b) he escorted her to an unidentified female officer, who searched § 87(2)(b) coat and pants pockets and removed the property inside, including § 87(2)(b) cell phone and \$500.00 in cash in § 87(2)(b) wallet.

While § 87(2)(b) was being arrested, she observed several officers arresting § 87(2)(b) who was recording § 87(2)(b) arrest. A male officer, whom § 87(2)(b) could not describe as she only saw his back, knocked § 87(2)(b) s phone onto the ground and stepped on it. § 87(2)(b) did not see § 87(2)(b) s full apprehension.

While § 87(2)(b) was being placed in a marked police vehicle, another officer, whom § 87(2)(b) could only describe as a white male with dark spikey hair, pulled her hair from behind, grabbing underneath her hair extensions and pulled her hair, while also placing his foot in her back. After § 87(2)(b) screamed out in pain, the officer released his grip on § 87(2)(b) and she sat in the police vehicle.

§ 87(2)(b) cell phone was placed on the dashboard of the vehicle she was in and it rang multiple times. A uniformed officer that § 87(2)(b) described as a white male in his late 20s or early 30s heard the phone ringing and stated, “What are you gay? Is this your girlfriend?” § 87(2)(b) explained that her cousin was calling her. The officer then again stated, “Oh her girlfriend is calling,” before walking away.

At the 113th Precinct stationhouse, § 87(2)(b) asked PO Lovelock, who was seated behind a desk, for medical attention, stating that her wrists hurt. PO Lovelock asked if § 87(2)(b) was actually in pain or shedding “crocodile tears.” Shortly after, PO Lovelock said that he had called the ambulance, but they could not tend to her because someone was shot in front of the stationhouse and the ambulance took them instead.

While waiting to be placed in a holding cell, § 87(2)(b) saw § 87(2)(b) lying still on the floor and his face was red and swollen. § 87(2)(b) asked § 87(2)(b) what happened and he said that he had been pepper sprayed approximately four times.

While inside of the holding cell, several officers whom § 87(2)(b) could not describe called her a “porch monkey” and other racially degrading names, which § 87(2)(b) could not specifically recall. PO Zozzaro also called § 87(2)(b) a “porch monkey” and told her, “Shut the fuck up. This is where you people belong anyway.” As PO Zozzaro walked away, she heard him mumble, “Fucking cunt. Bitch.”

§ 87(2)(b) mother, § 87(2)(b) arrived at the stationhouse shortly after § 87(2)(b) did and from her holding cell, § 87(2)(b) could hear officers call her mother a “cunt” and a “bitch” and tell her, “This is our house. We run this shit the way we run it.” § 87(2)(b) could not see the officers.

In the morning of January 1, 2012, a white male officer, approximately 6’1” tall, 180 pounds, 28-years-old, with dark hair, gave § 87(2)(b) a sandwich that seemed as if it was retrieved from the trash because it was hard and shredded. § 87(2)(b) asked if he was kidding her and the officer responded, “Well, don’t eat the shit.”

On August 29, 2012, § 87(2)(b) viewed a photo array (encl. 23A-F). She signed the photos of PO Aaron Lohman, Lt. Michael Hoehl, and PO Charles Lovelock, but the photo array memo was not completed following the reassignment, so the role of the officers she identified remains unclear.

Complainant/victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. He is a black male, who stands 6’1” tall, weighs 160 pounds, and has black hair and brown eyes. § 87(2)(b)

Video Footage

§ 87(2)(b) recorded the incident on his cell phone and his attorney, § 87(2)(b), provided the recording to the CCRB. The video is approximately 50 minutes long, however, after approximately seven minutes, the video goes blank, as the cell phone was placed in a bag.

When the video begins, there is a marked police car on the screen and screaming can be heard in the background. § 87(2)(b) the individual recording, faces the phone upwards and there

are three officers on screen and two black male civilians handcuffed, one on each side of the vehicle. The individual on the far side of the vehicle (identified through investigation as § 87(2)(b) [REDACTED]) is being held by an officer (identified through investigation as PO Zozzaro). On the near side, the other civilian (identified through investigation as § 87(2)(b) [REDACTED]) was being held by a taller officer in glasses (identified through investigation as PO Lovelock). A third officer (identified through investigation as PO Dammacco) was moving between both officers near the rear of the police vehicle. § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] appear to be about five feet away from the police vehicle.

§ 87(2)(b) [REDACTED] asked § 87(2)(b) [REDACTED] what happened and he said that his toe had been closed in the door by PO Lovelock. An unidentified officer then tells § 87(2)(b) [REDACTED] to put his shoe on. Then both § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] (sounding as if she is just to the left of § 87(2)(b) [REDACTED]) say to the officers that § 87(2)(b) [REDACTED] probably cannot put his shoe on because of his hurt toe. § 87(2)(b) [REDACTED] said, “His shit is prolly broke. He can’t put it on, sir.”

§ 87(2)(b) [REDACTED] on the other side then says, “Record this, my nigga. They killing us. Oh, see, he punching me. He punching me. Record this, my nigga.” At this point, there is not a clear visual of § 87(2)(b) [REDACTED] so it is unclear if any punches were thrown.

PO Zozzaro then says, “He is a drunk driver. Get in the car. Get in the car, dude.” § 87(2)(b) [REDACTED] begins to yell, “You closed the door on my toe. You got to call an ambulance, now! You got to call an ambulance.” § 87(2)(b) [REDACTED] then tells the officers that § 87(2)(b) [REDACTED] cannot be transported if he is injured.

At this point in the recording, both § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] are yelling. § 87(2)(b) [REDACTED] keeps telling onlookers, “Record this, my nigga,” and tells PO Zozzaro, “Fuck outta here,” while PO Zozzaro instructs him to get into the police vehicle. § 87(2)(b) [REDACTED] responds by asking why PO Zozzaro punched him in the face earlier in the incident, repeatedly. Simultaneously, § 87(2)(b) [REDACTED] is screaming that PO Lovelock closed his toe in the door.

§ 87(2)(b) [REDACTED] then states, “Punched me in the face when I was in the car, kicked me in the leg, this officer right there,” likely referring to PO Zozzaro, who was the officer holding him. § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] walk up to PO Zozzaro and § 87(2)(b) [REDACTED] within approximately three feet of them. § 87(2)(b) [REDACTED] asks, “What’s his badge number?” § 87(2)(b) [REDACTED] and PO Zozzaro respond at the same time, as § 87(2)(b) [REDACTED] says, “Zozar” two times and PO Zozzaro says a muffled statement that ends in, “when this is done.” PO Zozzaro then says, “It’s good that we are trying to arrest this guy for drunk driving and you are recording it instead of helping us.” § 87(2)(b) [REDACTED] asks PO Zozzaro why the officers would not call an ambulance for § 87(2)(b) [REDACTED] and PO Zozzaro says that § 87(2)(b) [REDACTED] just suffered the injury. § 87(2)(b) [REDACTED] says, “OK, so just call an ambulance for him.” § 87(2)(b) [REDACTED] adds, “You need to call an ambulance now.”

At this point, multiple officers say, “Back up” repeatedly. § 87(2)(b) [REDACTED] backs up to the other side of the vehicle, but is still within a few feet of PO Lovelock.

§ 87(2)(b) [REDACTED] can be heard in the background saying, “I know the law.” § 87(2)(b) [REDACTED] is not heard for a few seconds before she can be heard yelling, “That’s not disorderly conduct.” PO Zozzaro says, “It’s OGA. Interfering with police business.” § 87(2)(b) [REDACTED] says that they are not interfering and that the officers are allowed to do their job.

In the background, an individual on the side of the car with § 87(2)(b) says, “You done fucked up,” and “is this necessary?” PO Zozzaro tells that individual, “Sir, please be quiet. Sir.” The individual responds that § 87(2)(b) is not resisting and that he is handcuffed so why is “all this” necessary. § 87(2)(b) then repeats what the individual said and asks why “all this” is necessary if § 87(2)(b) is handcuffed.

At this point in the video, at approximately the 2:57 mark, sirens are heard. The noise of the sirens increases until the 3:15 minute mark, when they cut off and a car can be heard stopping, however, the car is not seen on screen. PO Zozzaro then says, “Get him. Get him right there.”

§ 87(2)(b) and § 87(2)(b) walk away from the officers and the video portion of the recording is unclear as the phone is held facing downwards. § 87(2)(b) says, “Yo, man. They’re locking him up. § 87(2)(b) That’s her boyfriend. But he didn’t do nothing”

At approximately the 3:37 mark, § 87(2)(b) is then heard repeatedly saying, “Whoa,” followed by, “Hold on officer. She didn’t do anything.” § 87(2)(b) then screams, “What? Get off me? What? What? Fuck you! Fuck You! Get the fuck off me!” During this time, handcuffs can be heard cranking.

§ 87(2)(b) says, “Wait, wait, wait. Stop. Officer that’s my fiancée.” An officer responds, “I don’t give a fuck who the fuck this is. Back up!” § 87(2)(b) responds, “Alright.” At this point in the recording, the video portion is still facing at nothing in particular and no faces can be seen on screen. The officer tells § 87(2)(b) “Back up or you’re getting brought to the ground.” Another voice then says, “Stop. Stop. You’re going to go too, bro.”

§ 87(2)(b) is then heard screeching in the background and § 87(2)(b) says, “No stop. Stop. Please don’t do that to my fiancée. Officer please, listen. That’s the mother of my child.” § 87(2)(b) is told to get out of the street repeatedly and told to get back.

An officer, whose face is not pictured tells § 87(2)(b) “Get off the street. Boss, get off the street.” Shortly followed by, “Do me a favor, if you put your hands in the air again, you’re going to be arrested.” § 87(2)(b) tells this officer that § 87(2)(b) is his fiancée and that they did not do anything. The officer tells § 87(2)(b) to get on the sidewalk. § 87(2)(b) repeats that he and § 87(2)(b) just got out of their vehicle and did not do anything. § 87(2)(b) then asks if he can just speak with the officer. The officers responds that he will talk to § 87(2)(b) but that he needs to relax. The officer then tells § 87(2)(b) to lower his voice and get on the sidewalk and that if § 87(2)(b) keeps yelling, no officer is going to speak with him. The officer finally says, “I’ll talk to you in a minute, but please just lower your voice.” § 87(2)(b) calms down and asks the officer if he could speak with him now and the officer says OK.

§ 87(2)(b) begins by saying that he and § 87(2)(b) just got to the scene and stepped out of their vehicle, at which point, the officer interrupts and says that he just got to the scene as well. § 87(2)(b) continues explaining that he and § 87(2)(b) did not do anything, before he tells the officer to hold on and § 87(2)(b) walks back towards the police vehicle that was initially pictured.

§ 87(2)(b) yells, “Ma’am, ma’am, ma’am, that’s my fiancée.” A female voice yells back, “Get back right now,” repeatedly. § 87(2)(b) says that § 87(2)(b) did not do anything, but multiple officers tell § 87(2)(b) to stay back. § 87(2)(b) asks one officer specifically if they could speak and the officer says that he cannot at the moment because he needs to help another officer. § 87(2)(b) says, “But let me talk to you,” to which the officer responds, “Stay back. Stay right here. You move one foot... You step one foot off of the sidewalk...” but the officer did not finish either of those statements.

§ 87(2)(b) yells out, “Just comply!” (likely to § 87(2)(b) § 87(2)(b) then yells, “§ 87(2)(b) § 87(2)(b) Come here!” An officer tells § 87(2)(b) to stay on the sidewalk. § 87(2)(b) then says, “You know what? No one wants to talk to me. I’m not being unruly. No one wants to talk to me. § 87(2)(b) Comply!”

An officer tells § 87(2)(b) “Sir, get out of the street please.” § 87(2)(b) responds by saying, “It’s not right...” but an officer (identified through investigation as PO Zozzaro) approaches § 87(2)(b) and says, “It’s not right that you guys watch while police are struggling to get three people in the car. Take a walk! Take a walk! Take a walk! Take a walk!” While PO Zozzaro is saying this, at approximately the 6:31 mark of the video, § 87(2)(b) § 87(2)(b)s phone falls out of his hand and onto the ground. It is not clear what caused the phone to fall.

The phone seems to move a little bit consistently until the 6:54 mark, when a voice can be heard saying, “pick it up.” The phone is lifted and it sounds as if it goes into a bag.

CCRB Statement:

On April 16, 2012, § 87(2)(b) was interviewed at the CCRB with his attorney, § 87(2)(b) (encl. 20A-F). § 87(2)(g)

§ 87(2)(b) corroborated § 87(2)(b) account of how the incident began and what the two of them were doing in the neighborhood. § 87(2)(b) observed two uniformed police officers and three apprehended black males standing near the parked police vehicle up the block from where § 87(2)(b) had parked. § 87(2)(b) saw PO Zozzaro push one of the males (identified through investigation as § 87(2)(b) into the police vehicle, punch him in the face, and then pull him out. At this point, § 87(2)(b) began recording the incident on his cell phone.

§ 87(2)(b) and § 87(2)(b) stood on the sidewalk and recorded and the officers informed them that they were interfering with a police investigation. § 87(2)(b) told the officers that they were not doing anything and were simply recording. Initially, only one or two pedestrians were watching the incident, but as the arrested individuals screamed, a small crowd of pedestrians gathered. One of the officers called for back-up and when the back-up units arrived, PO Zozzaro pointed at random people to be arrested.

§ 87(2)(b) the cousin of § 87(2)(b)s fiancée, was standing across the street from § 87(2)(b) and § 87(2)(b) was the first individual from the crowd arrested. § 87(2)(b) observed some of the officers who had arrived put § 87(2)(b) onto the ground and handcuff him. At that point, § 87(2)(b) and § 87(2)(b) walked up the block and intended

on telling § 87(2)(b) girlfriend that he was being arrested. § 87(2)(b) did not observe § 87(2)(b) full apprehension.

As § 87(2)(b) and § 87(2)(b) walked away, PO Zozzaro instructed an officer to arrest § 87(2)(b). The officer, who was a white male, approximately 6'4" tall, bald, 200 to 250 pounds (identified through investigation as PO Lohman) ran behind § 87(2)(b), grabbed one of her arms, handcuffed it and twisted it up into the air, causing her to scream. § 87(2)(b) asked why she was being arrested and PO Lohman responded that his partner told him to arrest her. § 87(2)(b) asked why he was not going to be arrested if he was with § 87(2)(b) the whole time and asked why he was being so physical with § 87(2)(b). PO Lohman told § 87(2)(b) to calm down or he would be next.

PO Lohman brought § 87(2)(b) to a female officer who searched her, before placing her in a marked police vehicle with § 87(2)(b) and another unidentified individual. § 87(2)(b) attempted to speak with multiple officers to ask what was going on, but they were all dismissive of him. § 87(2)(b) finally encountered an officer who spoke with him, but PO Zozzaro approached and pushed § 87(2)(b) in the chest during the conversation. § 87(2)(b) stumbled backwards, but did not fall. PO Zozzaro pushed § 87(2)(b) again and slapped § 87(2)(b)'s phone out of his hand and then stepped on the phone when it landed on the ground. While pushing § 87(2)(b) PO Zozzaro yelled, "Get the fuck out of here. Get the fuck back. § 87(2)(b) walked back, but then tried to get his phone. However, an unidentified officer picked up the phone and put it in a bag before § 87(2)(b) could retrieve it. § 87(2)(b) and § 87(2)(b) then walked up the block to avoid further confrontation.

§ 87(2)(b) then went to the 113th Precinct stationhouse to obtain information about § 87(2)(b) arrest. While speaking to a desk sergeant, who wore a white shirt and was seated at a desk (identified through investigation as Lt. Hoehl) PO Zozzaro walked into the lobby of the precinct and told § 87(2)(b) and other members of § 87(2)(b) family who had met him at the stationhouse to, "Get the fuck out of my precinct." § 87(2)(b) mother, § 87(2)(b) was there and she asked Lt. Hoehl if PO Zozzaro could speak like that and Lt. Hoehl said yes. § 87(2)(b) and § 87(2)(b) family remained at the stationhouse for approximately 10 to 15 minutes, before leaving.

§ 87(2)(b) received his phone the following day when officers from IAB visited him the next day. The officers said they had found the phone in the middle of the street.

Photo Array:

On August 29, 2012, § 87(2)(b) was shown single photos of five subject officers at the CCRB (encl. 21A-F).

The first photo presented was of PO Michael Moran, but § 87(2)(b) did not recognize this officer. The second photo was of PO Charles Lovelock. § 87(2)(b) identified PO Lovelock by name and stated that he was one of the initial officers at the scene of the incident. He was arresting the three males and forcing one male inside of the squad car. § 87(2)(b) did not see PO Lovelock strike any of the males. The third photo was of Lt. Michael Hoehl of the 113th Precinct. § 87(2)(b) did not identify him by name, but stated that he recognized Lt. Hoehl as the officer that he and § 87(2)(b) interacted with at the 113th Precinct stationhouse. The fourth photo was of PO Zozzaro. § 87(2)(b) identified PO Zozzaro by

name and stated that he punched § 87(2)(b) PO Zozzaro also knocked § 87(2)(b) § 87(2)(b)'s phone out of his hand and used profanity towards him at the scene. At the stationhouse, PO Zozzaro told § 87(2)(b) and § 87(2)(b) to get the fuck out of the stationhouse. The final photo was of PO Lohman. § 87(2)(b) did not know this officer's name, but he was the officer who handcuffed § 87(2)(b) and twisted her arm

Complainant/victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. She is a female, but she did not provide any additional pedigree information. § 87(2)(b)

On January 13, 2012, § 87(2)(b) was interviewed at the CCRB (encl. 15A-E). Her statement is summarized below.

On January 1, 2012, at approximately 2:30am, § 87(2)(b) received a call from her mother informing her that her daughter, § 87(2)(b) had been arrested. § 87(2)(b) went to the 113th Precinct stationhouse, where she met her sister § 87(2)(b) and friend § 87(2)(b) (last name unknown). § 87(2)(b) § 87(2)(b) fiancée was already at the stationhouse. § 87(2)(b) spoke to an officer she identified as Lt. Hoehl (identified through investigation as Lt. Michael Hoehl of the 113th Precinct) who informed her that § 87(2)(b) had been arrested for § 87(2)(b). Another officer then approached, a white male, approximately 6'1" tall, with a Mohawk, in his 20s or 30s, who was holding ice on his finger (identified through investigation as PO Zozzaro). PO Zozzaro said, "It's okay for people to beat police officers though," to which § 87(2)(b) replied, "Your hand is messed up because you beat § 87(2)(b) PO Zozzaro then stated, "Get the fuck out the precinct."

Witness: § 87(2)(b)

On May 29, 2013, § 87(2)(b) was interviewed at his home (encl. 25A-D). § 87(2)(g)

On January 1, 2012 at approximately 2:00 a.m., § 87(2)(b) walked to the corner of 198th Street and 115th Avenue in Queens, and saw two young black men struggling with two police officers while his brother, § 87(2)(b) was videotaping the incident with his fiancé, § 87(2)(b) § 87(2)(b) § 87(2)(b) believed that the two young men were stopped for public intoxication.

The two officers at the scene yelled at § 87(2)(b) and § 87(2)(b) to stop recording and to move away from the scene. The officers asked § 87(2)(b) and § 87(2)(b) to stop videotaping four to five times. § 87(2)(b) and § 87(2)(b) were standing five to six feet away from the officers.

Another officer at the scene approached § 87(2)(b) and pushed him. In the process, § 87(2)(b)'s phone fell out of his hand. As § 87(2)(b) bent down to reach for the phone, the officer kicked it away.

The officers then approached § 87(2)(b) and placed her in handcuffs, however, § 87(2)(b) did not observe this fully. Another back-up team arrived to the scene and they arrested

§ 87(2)(b) another individual involved in the incident. One of the back-up officers grabbed § 87(2)(b) by his upper arm, twisted his arms behind his back, and pushed him against the trunk of a police vehicle. The officers' actions seemed overly aggressive because § 87(2)(b) complied with their commands.

Witness: § 87(2)(b)

On March 4, 2013, § 87(2)(b) provided a telephone statement (encl. 26) which is summarized below.

On January 1, 2012, § 87(2)(b) was standing on the stoop outside of her home, located at § 87(2)(b) in Queens, when she heard people yelling around the corner. § 87(2)(b) stated that she saw an officer step on § 87(2)(b)'s phone. § 87(2)(b) also saw an officer slam § 87(2)(b) on the ground and throw his phone to the ground.

Statements Not Included:

§ 87(2)(b) a female who called 911 during the incident was contacted by telephone (encl. 27) § 87(2)(g)

Attempts to Contact Civilians

On April 13, 2012 and September 11, 2012, § 87(2)(b) was attempted by telephone, however, on both occasions his phone was not in service. On April 13, 2012, and September 11, 2012, please call letters were sent to § 87(2)(b). Additionally, on April 13, 2012 and September 11, 2012, please call letters were sent to § 87(2)(b). To date, neither § 87(2)(b) or § 87(2)(b) have contacted the CCRB and none of the letters sent have been returned to the CCRB stamped, "return to sender" by the United States Postal Service (USPS).

On January 30, 2012, § 87(2)(b) was contacted by telephone, at which point she alleged that PO Lovelock called her a "fucking cunt" at the 113th Precinct stationhouse. § 87(2)(b) then scheduled to appear at the CCRB on February 2, 2012, in order to provide a sworn statement. § 87(2)(b) missed that appointment without calling to cancel or reschedule. On February 7, 2012, § 87(2)(b) was contacted by telephone and scheduled to appear at the CCRB on February 15, 2012. § 87(2)(b) also missed that appointment without calling to cancel or reschedule.

On March 11, 12, and 13, 2013 voicemail messages were left for § 87(2)(b) requesting he contact the CCRB. Additionally, on March 7, 2013, a please call letter was sent to § 87(2)(b). To date, § 87(2)(b) has not contacted the CCRB and the letter was not returned to the CCRB stamped, "return to sender" by the USPS.

NYPD Statements:

Subject Officer: PO CHARLES LOVELOCK

- PO Lovelock was § 87(2)(b) old at the time of the incident. He is a white male, who stands 6'0" tall, weighs 325 pounds, has brown hair and brown eyes, and wears glasses.
- PO Lovelock worked from 5:30 p.m. on December 31, 2011, until 10:10 p.m. on January 1, 2012. He was dressed in uniform, assigned to conditions auto with PO John Dammacco, in a marked police vehicle, number 3119.

Memo Book (encl. 40A-D):

At 1:20 a.m., PO Lovelock noted an 85 (call for additional units) by the 113th Precinct Anti-crime team at 198th Street and 115th Avenue. At 2:02 a.m., PO Lovelock noted 5 under arrest from the

aforementioned 85, § 87(2)(b)

names of the individuals arrested were § 87(2)(b) and § 87(2)(b)

In the fly sheet of his memo book, PO Lovelock noted that there was a car stop by the 113th Precinct anti-crime team. The driver of the vehicle was intoxicated and the front passenger put marijuana in his sock. There were three open bottles of alcohol in the car. While trying to put the defendants into the vehicle, a crowd came and surrounded the officers. Members of the crowd were ordered back by officers and two members of the crowd were placed under arrest who did not follow the officers' directives.

Arrest Reports:

PO Lovelock prepared five arrest reports for this incident (encl. 41A-L). In the report prepared for § 87(2)(b) PO Lovelock said that he was informed by PO Vorraro that he had observed a 2001 Infiniti traveling at a high rate of speed with tinted windows. Upon car stop, the defendants had two bottles of alcohol and one bottle of wine that were open and a bag of marijuana that one of the individuals shoved into his sock. § 87(2)(b) smelled of alcohol and had bloodshot eyes and said that he had drunk earlier. Upon attempting to placing § 87(2)(b) into a marked police vehicle, § 87(2)(b) turned his legs so that officers could not close the door. Officer Zozzaro sprained his finger while arresting § 87(2)(b). No force was listed as being used on § 87(2)(b).

In § 87(2)(b) arrest report, PO Lovelock documented that § 87(2)(b) was part of a large group that surrounded the police in the street while the officers were trying to get three defendants into a police vehicle. § 87(2)(b) refused to get back causing officers to fear for their safety and prevented officers from effecting arrests. § 87(2)(b) fled on foot when additional officers arrived and flailed her arms and threw her body to the ground trying to prevent arrest. No force was listed as being used on § 87(2)(b).

§ 87(2)(b)'s arrest report read the same as § 87(2)(b) but did not mention him fleeing the scene or resisting arrest. No force was listed as being used against § 87(2)(b).

§ 87(2)(b) and § 87(2)(b) arrests were sealed.

Medical Treatment of Prisoner Forms:

PO Lovelock prepared medical treatment of prisoner forms for § 87(2)(b) and § 87(2)(b) (encl. 42A-B) but did not prepare the forms for § 87(2)(b) or § 87(2)(b).

CCRB Statement:

On May 9, 2013, PO Lovelock was interviewed at the CCRB (encl. 43A-C). His statement is summarized below.

On January 1, 2012, at approximately 1:20 a.m., PO Lovelock and PO Dammacco responded to 198th Street and 115th Avenue in Queens, because they saw flashing police lights and wanted to see what was going on. When PO Lovelock got to the scene, he saw that the Anti-crime team had three individuals already handcuffed, on the sidewalk. PO Lovelock did not recall who the Anti-crime officers were on the date of the incident, other than PO James Zozzaro.

Shortly after PO Lovelock got to the scene, an 85 (call for additional units) came over the radio, requesting additional units at an unspecified location somewhere else in the precinct. Some members of the Anti-crime left 198th Street and 115th Avenue in order to respond to the call. Only PO Lovelock, PO Dammacco, and PO Zozzaro remained at the scene.

After the other officers left, PO Lovelock, PO Dammacco, and PO Zozzaro attempted to place the three arrested individuals inside of PO Lovelock's vehicle. One of the three individuals (identified through investigation as § 87(2)(b)) went into the police vehicle without resisting and he sat in the middle of the backseat. The two other individuals (identified through investigation as § 87(2)(b) and § 87(2)(b)) refused to get into the police vehicle.

At this time a crowd gathered around PO Lovelock and the other officers. Members of the crowd were speaking with PO Zozzaro and PO Dammacco, but were not speaking with PO Lovelock. PO Zozzaro and PO Dammacco asked members of the crowd to get back, but the crowd ignored the directives. PO Lovelock could not approximate how many people were in the crowd and when asked if it was more or less than five people, PO Lovelock said he did not know because the people were behind him.

Because of the gathering crowd, one of the officers at the scene called for additional units. PO Lovelock did not know which officer called for the additional units or if he called for them. Approximately one to two minutes later, about 30 officers arrived to the scene. When the additional units arrived, members of the civilian crowd ran the opposite direction of the officers. One of the officers at the scene, PO Lovelock could not recall who, pointed out some of the civilians to be placed under arrest. PO Lovelock stated that because officers had directed these civilians to get back, but they did not, they were placed under arrest. PO Lovelock did not observe any of the onlookers placed in handcuffs.

While the additional units were effecting arrests, PO Lovelock remained with the individual he had been primarily interacting with (identified through investigation as § 87(2)(b)). § 87(2)(b)'s upper body was inside of the police vehicle, but § 87(2)(b) was kicking at PO Lovelock through the open door. PO Lovelock pushed on § 87(2)(b)'s legs to get them into the car. PO Lovelock was unable to secure the door for an unspecified amount of time, before he was able to push § 87(2)(b)'s legs into the vehicle and close the door. At no point did PO Lovelock close the door on § 87(2)(b)'s legs.

While at the scene, PO Lovelock did not have any interaction with any civilians at the scene other than with the first three individuals stopped, the § 87(2)(b) brothers and § 87(2)(b). PO Lovelock did not brandish his asp at any point during the incident and did not strike anyone with an asp. PO Lovelock said the only force he used was his hands on § 87(2)(b)'s feet while § 87(2)(b) was in the police vehicle and kicking. PO Lovelock did not observe any officer brandish their asp or observe any officer strike any civilian with an asp.

PO Lovelock stated that after he put § 87(2)(b) into a police vehicle, he only remained at the scene for approximately one minute before leaving. PO Lovelock also denied using profanity at the scene or calling anyone a "black monkey," "nigger," or "cunt." PO Lovelock did not hear any officer utter any of the aforementioned words and he did not hear any officer use any profanity during the incident.

PO Lovelock said that the other male involved (identified through investigation as § 87(2)(b)) was placed in another police vehicle, at which point PO Lovelock and PO Dammacco transported § 87(2)(b) and § 87(2)(b) to the 113th Precinct stationhouse. When PO Lovelock arrived at the 113th Precinct stationhouse, he lodged the prisoners. PO Lovelock had no interaction with any of the family members of people who he had arrested. PO Lovelock said that he was only at the stationhouse for a couple of minutes because he had to take § 87(2)(b) to the 112th Precinct stationhouse in order to take a breathalyzer test. When PO Lovelock went back to the stationhouse, he had no interaction with any of the family members of anyone he had earlier arrested. PO Lovelock said that § 87(2)(b) and § 87(2)(b) requested medical attention and they were seen by EMS at the stationhouse. § 87(2)(b) and § 87(2)(b) two of the other individuals arrested, did not request medical attention at any point.

PO Lovelock did not call anyone a “nigger” at the stationhouse and he did not hear any other officer say that word. PO Lovelock did not hear PO Zozzaro tell anyone to get the “fuck” out of the Precinct and he did not hear PO Zozzaro use any profanity throughout the incident. PO Lovelock also did not hear any officer say the phrase, “porch monkey.” PO Lovelock did not shove § 87(2)(b) at the stationhouse, nor did he see any officer shove him. PO Lovelock never said the word, “fuck” or “cunt” to § 87(2)(b) at any point and PO Lovelock said that he does not even know who § 87(2)(b) is.

At approximately the 20:00 minute mark of the interview, the video was shown to PO Lovelock. The undersigned pointed to the taller male officer in glasses seen from the beginning of the video and PO Lovelock said it looked like him, but he was not certain. The shorter officer with glasses was then pointed out and PO Lovelock said it looked like PO Dammacco, but he was not sure. PO Lovelock made the same statement about the third officer being PO Zozzaro.

Subject Officer: PO JAMES ZOZZARO

- *PO Zozzaro was § 87(2)(b) old at the time of the incident. He is a white male, who stands 6’5” tall, weighs 255 pounds, and has brown hair and blue eyes.*
- *PO Zozzaro worked from 3:00 p.m. on December 31, 2012, until 3:35 a.m. on January 1, 2012. He was assigned to Anti-crime with PO Aaron Lohman and PO Matthew Vorraro. PO Zozzaro was dressed in uniform and was assigned to an unmarked vehicle, but he did not recall what it looked like and he had no identifying information regarding the vehicle listed in his memo book.*

Memo Book (encl. 44A-B):

At 1:15 a.m., PO Zozzaro noted a car stop at 115th Street and 198th Street for excessive speed. At 2:20 a.m., PO Zozzaro had five under arrest at the location. Three of whom were from the initial car stop and two more for § 87(2)(b) in regards to an 85 (call for additional units) from the location mentioned above. At 3:00 a.m., PO Zozzaro was checked out by EMS for hand, wrist, and finger injuries. At 3:35 a.m., PO Zozzaro ended his tour.

AIDED:

An AIDED report was prepared for PO Zozzaro as a result of this incident (encl. 45A-C). The report listed that while a perpetrator was placed in custody, he fought with PO Zozzaro, causing an injury to PO Zozzaro’s left pinky and hand.

CCRB Statement:

On May 17, 2013, PO Zozarro was interviewed at the CCRB (encl. 46A-D). His statement is summarized below.

At approximately 1:15 a.m. on January 1, 2012, there was a call for shots fired in the vicinity of 198th Street and 115th Avenue, however, PO Zozzaro could not recall the exact location of the shots fired. On 198th Street and 115th Avenue, PO Zozzaro observed a vehicle driving at excessive speeds and a car stop was initiated by him, PO Vorraro, and PO Lohman.

As a result of the vehicle stop, three individuals were arrested, one of which was § 87(2)(b) (the investigation determined that other two were § 87(2)(b) and § 87(2)(b) § 87(2)(b)

In the middle of the incident, an 85 (call for additional units) came over the radio. The call was for an unspecified location on the other side of the 113th Precinct. PO Zozzaro indicated that by this point in this incident. Sgt. Greg Vallerugo and PO Jason Zummo of the Anti-crime team had also arrived at the scene. However, when the call for additional units came over, Sgt. Vallerugo, PO Zummo, PO Lohman, and PO Vorraro left the scene to assist, leaving only PO Zozzaro, PO Lovelock, and PO Dammacco.

When the other officers left, PO Zozzaro, PO Lovelock, and PO Dammacco wanted to place the three arrested individuals into PO Lovelock and PO Dammacco's marked, caged vehicle, in order to bring them back to the stationhouse. § 87(2)(b) and § 87(2)(b) went into the backseat of the police vehicle without a struggle, but the moment that the other officers left the scene, § 87(2)(b) became combative and refused to get into the vehicle by locking his arm against the door frame. § 87(2)(b) was half-way inside of the vehicle, but refused to get all the way in. As such, PO Zozzaro pulled § 87(2)(b) out of the car. Once he got § 87(2)(b) out of the car, PO Zozzaro pushed him up against the trunk of the police vehicle. PO Zozzaro did not recall punching § 87(2)(b) at any point. PO Zozzaro said that he had his asp on him, but he did not recall taking it out and as such, did not recall using it at any point. While at the rear of the car, § 87(2)(b) was screaming at PO Zozzaro.

A crowd of approximately 20 to 25 people then gathered at the scene. People in the crowd were yelling at the officers, telling them to leave the § 87(2)(b) and § 87(2)(b) alone. PO Zozzaro said he did not pay much attention to the crowd as he was more concerned with § 87(2)(b) § 87(2)(b)

After the crowd gathered, PO Zozzaro instructed either PO Lovelock or PO Dammacco to call for additional units to the scene. PO Zozzaro said that before the additional units arrived, he told people in the crowd to backup several times, to no avail. Some of the individuals in the crowd were recording the incident. PO Zozzaro also recalled a male and female in front of him (identified through investigation as § 87(2)(b) and § 87(2)(b) who were very close to him and the other officers. PO Zozzaro told them to get back multiple times, but they did not listen. There was also a man behind PO Zozzaro (identified through investigation as § 87(2)(b) § 87(2)(b) who was very close to PO Zozzaro. PO Zozzaro did not recall what he was saying or doing, but he stated that he felt his presence very close to him and he did not know what he had in his hands, so he feared for his safety, since he was with § 87(2)(b) and could not turn around and see § 87(2)(b)

Multiple cars arrived a few minutes later, but PO Zozzaro was unable to approximate how long it took them to arrive or how many cars came. When the additional officers arrived, PO Zozzaro pointed out a male and a female to be arrested. The female was § 87(2)(b) but PO Zozzaro did not recall if the male he pointed out was § 87(2)(b) or § 87(2)(b) PO Zozzaro did not

recall if he told a specific officer to arrest those individuals or if he just made an umbrella statement to the additional units that arrived. PO Zozzaro said that the individuals he pointed out were arrested for § 87(2)(b) for being in the middle of the street and refusing orders to step back.

PO Zozzaro did not see any of the other arrests actually being effected. PO Zozzaro said that as soon as other units arrived, he wanted to get § 87(2)(b) into a vehicle and then out of the scene. PO Zozzaro tried to pull § 87(2)(b) into a vehicle, but § 87(2)(b) pulled away and both of them fell to the ground, onto PO Zozzaro's hand. As a result, PO Zozzaro injured, his hand, wrist, and fingers.

After § 87(2)(b) was placed in a police vehicle, PO Zozzaro performed crowd control, however, he could not recall specifically what he did. He said that he did not recall hitting a cell phone out of anyone's hand and he did not step on anyone's cell phone. PO Zozzaro said that he may have put his hands on some civilians' chests in order to push them out of the street and onto the sidewalk and away from the scene, but he did not recall doing that specifically or pushing any specific individuals.

PO Zozzaro said that he did not recall § 87(2)(b) and it was explained that he was likely the male behind him from earlier in the incident. PO Zozzaro denied calling § 87(2)(b) an "ugly nigger" or using the word "nigger" in any context. He denied threatening § 87(2)(b) with any physical force or threatening to kill him. He also said he never called anyone at the scene a "black monkey."

After § 87(2)(b) was placed in the police vehicle and the scene was secured, PO Zozzaro got into the § 87(2)(b)'s vehicle and took it back to the 113th Precinct stationhouse. At the stationhouse, PO Zozzaro had no interaction with any of the individuals at the scene or any of their family members. PO Zozzaro was checked out by EMS at the stationhouse, at which point they determined he had cuts and abrasions to his hand, wrist, and fingers.

PO Zozzaro did not recall speaking with § 87(2)(b) at the stationhouse and denied saying, "fuck" at any point during the incident.

PO Zozzaro denied calling § 87(2)(b) a "porch monkey" at the stationhouse. He denied calling anyone any discourteous or offensive names. He reiterated that he had no interaction with § 87(2)(b) or § 87(2)(b). PO Zozzaro was unable to indicate how long he was at the stationhouse before he was checked out by EMS.

At approximately the 22:00 minute mark of the interview, the video was presented to PO Zozzaro. At the 1:05 minute mark of the video, PO Zozzaro identified himself as the officer on the far side of the police vehicle. He said that § 87(2)(b) was the individual in the white shirt and was the individual he interacted with throughout the incident. The video was then fast forwarded to the 5:50 minute mark, at which point PO Zozzaro watched and identified himself as the officer who says, "Take a walk! Take a walk!" PO Zozzaro said that he told the individual filming to take a walk and then pushed him away from the scene. PO Zozzaro said that at this point, all the arrested individuals were already handcuffed. PO Zozzaro's legal rep then intervened and noted that PO Zozzaro is not seen at the time when his voice is heard, which PO Zozzaro confirmed. PO Zozzaro said that after seeing the video, he still did not recall smacking a

phone out of an individual's hand and did not recall kicking or stepping on a phone on the ground at any point.

Subject Officer: PO AARON LOHMAN

- *PO Lohman was § 87(2)(b) old at the time of the incident. He is a white male who stands 6'4" tall, weighs 360 pounds, is bald, and has blue eyes.*
- *PO Lohman worked from 3:00 p.m. on December 31, 2011, until 3:35 a.m. on January 1, 2012. He was assigned to conditions with PO Jason Zummo and dressed in uniform. PO Lohman said that he worked out of an unmarked sedan, but he had no additional information regarding the vehicle and did not have any information noted in his memo book.*

Memo Book (encl. 47A-B):

PO Lohman noted that at 1:15 a.m., he stopped a car on 198th Street and 115th Avenue in Queens. An 85 (call for additional units) was put over by conditions. There were then five people under arrest by the conditions team.

CCRB Statement:

On May 30, 2013, PO Lohman was interviewed at the CCRB (encl. 48A-C). His statement is summarized below.

On January 1, 2012, PO Lohman, PO Zummo, PO Lovelock, and PO Dammacco made a car stop on 198th Street and 115th Avenue. In the middle of the car stop, a call requesting additional units on the other side of the precinct came over the radio. PO Lohman and PO Zummo left 198th Street and 115th Avenue and responded to the call for additional units.

When PO Lohman arrived at the scene of the other incident, it had already been settled, so PO Lohman and PO Zummo got back into their vehicle and drove back to 198th Street and 115th Avenue. While driving, a call for additional units at 198th Street and 115th Avenue came over the radio, however, PO Lohman noted that he was already on his way to that location when the call came over.

When PO Lohman arrived at 198th Street and 115th Avenue the second time, he saw approximately five or six officers at the scene and ten to fifteen civilians. The civilians were running around and one or two handcuffed individuals seemed to be running away from officers.

Upon PO Lohman's arrival, PO Lovelock instructed him to arrest a female individual (identified through investigation as § 87(2)(b)). PO Lovelock did not give PO Lohman the reason as to why § 87(2)(b) was to be placed under arrest. However, when PO Lohman got to the scene, he observed § 87(2)(b) standing near the rear of the vehicle that PO Lohman had initially stopped the first time he was at the scene, and she was interfering with the apprehension of some other civilians. Specifically, § 87(2)(b) was pulling on one or two handcuffed individuals that other officers were trying to control.

PO Lohman walked over to § 87(2)(b) and put her in handcuffs. PO Lohman believed that § 87(2)(b) resisted arrest, but he was not sure how so or even if she did at all. PO Lohman did not think he took § 87(2)(b) to the ground at any point. Some officers were around PO Lohman when he handcuffed § 87(2)(b) and he thought additional officers assisted him in handcuffing § 87(2)(b) but he did not recall which officers assisted him.

PO Lohman walked § 87(2)(b) to a police vehicle after she was handcuffed. PO Lohman did not recall if he handed § 87(2)(b) off to another officer or put her in the car himself.

PO Lohman did not recall interacting with any other civilians at the scene. A picture of § 87(2)(b) was presented to PO Lohman, but he did not recognize him. It was explained to PO Lohman that § 87(2)(b) fiancé was standing next to her as she was arrested and he told the officers that she was his fiancée. PO Lohman did not recall § 87(2)(b) specifically and he stated that there were a lot of people around saying a lot of different things. PO Lohman did not recall telling anyone to get back or else they would be arrested. He also did not recall using the word “fuck” while speaking with any civilian at the scene. PO Lohman did not recall conducting any crowd control.

At approximately the 10:30 minute mark of the interview, the video was presented to PO Lohman. The video was fast forwarded to approximately the 3:30 minute mark. The video was shown in real time once and PO Lohman did not recognize himself or hear his voice. The video was then slowed down and showed to him. It was paused at approximately the 4:00 minute mark and PO Lohman said that the individual on the screen may have been him, but he was not sure.

After watching the video, PO Lohman did not want to change or add to his statement. PO Lohman said that he did recall § 87(2)(b) screaming, but he was not sure if the screaming was directed at him, other officers, or civilians.

Witness Officer: PO MATTHEW VORRARO

- *PO Vorraro was § 87(2)(b) old at the time of the incident. He is a white male, who stands 6’1”, weighs 190 pounds, and has black hair and brown eyes.*
- *PO Vorraro worked from 3:00 p.m. on December 31, 2011 until to 3:35 a.m. on January 1, 2012. He was assigned to Anti-crime, worked with PO Jason Zummo and PO Aaron Lohman. PO Vorraro was in uniform and assigned to a unmarked crown victoria sedan.*

Memo Book (encl. 32A-C):

At 01:15, PO Vorraro noted a car stop at 115th Avenue and 198th Street and three individuals were placed under arrest by the conditions unit.

CCRB Statement:

On March 7, 2013, PO Matthew Vorraro was interviewed at the CCRB (encl. 33A-D). § 87(2)(g)

When PO Vorraro arrived at the scene, other marked and unmarked police cars were already present. PO Vorraro saw a melee in the street. There was a crowd with more than 20 individuals located on the street. Officers were trying to clear the streets. Other officers, including PO Zozzaro, were struggling to get one of the individuals from the initial car stop (identified through investigation as § 87(2)(b) into a marked police car. The male driver tried to rip his arm free from the officers, even after being handcuffed. PO Vorraro attempted to help officers get the driver into a marked car, which was parked down the block. PO Vorraro and other officers dragged § 87(2)(b) to a police vehicle. PO Vorraro did not apprehend or assist in apprehending anyone else. PO Vorraro did not observe any other individual being arrested.

PO Vorraro then focused his attention on clearing the street of people and crowd control. PO Vorraro never used any profanity during the incident. PO Vorraro did not hear any other officer use profanity during the incident. The only profanity PO Vorraro heard came from the crowd towards the police as they were walking away. The crowd was saying, “why the fuck you here,” “get off our block,” “get the fuck out of here.”

PO Vorraro does not remember if he went back to the stationhouse immediately or whether he continued his assignment. PO Vorraro did not speak with any of the arrested individuals at the stationhouse or process any arrests. PO Vorraro did not call any civilian that day at the stationhouse at any point, “porch monkey.” PO Vorraro did not use the word, “nigger.” PO Vorraro stated that no other officer used that language.

Inv. Patterson showed PO Vorraro video footage of the incident, but PO Vorraro did not recall what was captured on the video.

Witness Officer: PO JASON ZUMMO

- PO Zummo was § 87(2)(b) old during the time of the incident. He is a 6’3” white male, who weighs 205 pounds with brown hair and brown eyes.
- PO Zummo worked from 3:00 p.m. on December 31, 2011, until 03:05 a.m. on January 1, 2012. He was assigned to anti-crime and worked with PO Matthew Vorraro and PO Aaron Lohman. He was dressed in uniform and worked out of an unmarked vehicle, number 670.

Memo Book (encl. 30A-C):

At 1:15 a.m., PO Zummo conducted a car stop at 115th Avenue and 198th Street. A call for back-up was made by the conditions team and eventually three people were placed under arrest by the conditions team.

CCRB Statement:

On March 7, 2013, PO Zummo was interviewed at the CCRB (encl. 31A-D). § 87(2)(g)

PO Zummo initiated a vehicle stop at 198th street and 115th Avenue in Queens, but then responding to a call for additional units at another location. When PO Zummo returned to 198th Street and 115th Avenue, he observed a large crowd of approximately 15 to 20 people gathered and watching PO Zozzaro struggling with the driver of the car that had initially been stopped. PO Zozzaro pointed to a black male and told PO Zummo to arrest him. The male was standing about four to five feet behind PO Zozzaro and pointing at him. The male may have also pointed at PO Zummo and PO Zummo slapped his hand down because he did not know what the male intended to do. PO Zummo handcuffed the male and placed him inside of a marked RMP. PO Zummo may have placed the male against a marked RMP, before placing him inside of the marked RMP. However, PO Zummo was not certain. PO Zummo did not know whether the male’s name was § 87(2)(b) nor was he familiar with the name § 87(2)(b) PO Zummo did not know whose police vehicle the male was placed in or who transported § 87(2)(b) to the stationhouse, but stated that he did not.

PO Zozzaro did not provide PO Zummo with details of why the male would be arrested and PO Zummo did not observe the male commit any arrestable offense. PO Zummo did not observe the male recording the incident. PO Zummo could not recall the male’s demeanor or how long it took

to handcuff him. PO Zummo could not recall whether he knocked the male's mobile phone onto the ground and stated that he did not intentionally step on any mobile phone. However, PO Zummo added that he is not aware of whether he may have mistakenly stepped on a mobile phone. PO Zummo did not strike the male with his asp, punch or otherwise strike the male, nor did he observe any other officer do so. PO Zummo did not recall whether he or any other officer placed the male on the ground or whether the male was on the ground at all.

During PO Zummo's interview, he was shown video footage of the incident. PO Zummo stated that he did not recall whether he was present at the time of the displayed video footage. PO Zummo did not know if he heard his own voice during the video footage.

Witness Officer: PO JOHN DAMMACCO

- *PO Dammacco was § 87(2)(b) old at the time of the incident. He is a white male, who stands 5'7" tall, weighs 250 pounds, and has brown hair and brown eyes.*
- *On December 31, 2011, PO Dammacco worked from 6:00 p.m. until 2:35 a.m. on January 1, 2012. He was assigned to conditions with PO Charles Lovelock, dressed in uniform, and assigned to a marked police vehicle, number 3119.*

Memo Book (encl. 34A-C):

At 1:20 a.m., PO Dammacco noted an 85 (call for additional units) by the 113th Precinct Anti-crime team at 198th Street and 115th Avenue. The Anti-crime team had three stopped for marijuana and the driver was driving while intoxicated. When placing the individuals in the car, a call for additional units was needed because the arrested individuals fought with the officers and a crowd formed. At 2:00 a.m., PO Lovelock had five under arrest from the incident, because two were guilty of § 87(2)(b). At 2:35 a.m., PO Dammacco left for the 112th Precinct stationhouse and at 2:55 a.m., he arrived at the 112th Precinct stationhouse. PO Dammacco did not go back to the 113th Precinct stationhouse until 4:10 a.m.

CCRB Statement:

On March 8, 2013, PO John Dammacco was interviewed at the CCRB (encl. 35A-C). § 87(2)(g)

On January 1, 2012, at approximately 1:20 a.m., a crowd of civilians, which quickly outnumbered the officers present, began to grow at 198th Street and 115th Avenue in Queens. PO Dammacco estimated the crowd's size at 10 to 15 people. PO Dammacco called in a request for back-up, leaving PO Lovelock to handle § 87(2)(b) and § 87(2)(b). PO Dammacco did not recall how the § 87(2)(b) were placed in the vehicle. PO Dammacco said that the crowd of civilians surrounded the police and were videotaping the encounter. PO Dammacco said that they had moved extremely close to the officers, practically over their shoulders, and were therefore making the officers extremely distracted as they attempted to place these men under arrest. Approximately 10 to 20 officers responded to the call for back-up, but PO Dammacco could not name any of the responding officers.

PO Dammacco said that the crowd was yelling things at the officers present, although he could not recall specifics. PO Dammacco said that he told several individuals in the crowd to get back, including a black female who refused. PO Lohman later arrested the female, § 87(2)(b) for interfering with the arrest. As PO Lohman grabbed her arm and tried to handcuff § 87(2)(b) her fiancée, § 87(2)(b) moved to interfere, drawing very close and yelling at § 87(2)(b) to calm down and stop resisting. PO Dammacco turned to him and told him that § 87(2)(b) was

under arrest and that he would be arrested too if he continued to come closer and that he should back away. § 87(2)(b) complied with that order and was not arrested. PO Dammacco did not see PO Zozzaro interact with § 87(2)(b)

PO Dammacco did not recall having any interaction with any of the individuals from the scene while at the 113th Precinct stationhouse.

Following his interview, PO Dammacco reviewed the video footage. He identified the officer shown at 0:32 mark in the video as PO Lovelock, the officer holding the male in the white shirt at the 1:23 mark as PO Zozzaro and the officer on the far right of the screen at the 0:30 mark as himself.

Witness Officer: LT. MICHAEL HOEHL

- *Lt. Hoehl was § 87(2)(b) old at the time of the incident. He is a white male, who stands 5'10", weighs 175 pounds, and has brown hair and brown eyes.*
- *Lt. Hoehl worked from 10:50 p.m. on December 31, 2011, until 7:30 a.m. on January 1, 2012. He was assigned to the desk and dressed in uniform.*

CCRB Statement:

On May 2, 2013, Lt. Hoehl was interviewed at the CCRB (encl. 39A-B). Lt. Hoehl had no independent recollection of this incident. Lt. Hoehl did not recall if he instructed anyone to leave the stationhouse, nor did he recall PO Zozzaro instructing anyone to leave the stationhouse. Lt. Hoehl did not hear any officer tell anyone to get the "fuck" out of the stationhouse. Lt. Hoehl did not hear PO Zozzaro or any other officer use profanity.

Lt. Hoehl stated that he does not keep a memo book when he is assigned to the desk as he makes entries in the command log.

MOS Statements Not Included

§ 87(2)(g)
[REDACTED]

NYPD Document

Command Log (encl. 54A-D):

At 2:00 a.m., § 87(2)(b) and § 87(2)(b) were all stamped into the 113th Precinct command log. § 87(2)(b)'s physical/mental condition was listed as intoxicated and the other four had their physical/mental conditions listed as apparently normal. Next to § 87(2)(b) name, it was noted that he had pain to his right hip and right foot. Next to § 87(2)(b) name, it was noted that he had pain to his right wrist and left face. At 2:30 a.m., PO Lovelock and PO Dammacco were listed as transporting § 87(2)(b) to the 112th Precinct stationhouse and they did not return until 4:10 a.m.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Status of Civil Proceedings

- A Notice of Claim with regard to this incident has not been filed with the City of New York by § 87(2)(b) or § 87(2)(b) as of May 6, 2013, over a year after the filing deadline passed (encl. 56).

Civilians Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) or § 87(2)(b). It is the first complaint § 87(2)(b) and § 87(2)(b) have been involved in (encl. 5, 6, 7, 8, 9, 10, and 11).

Subject Officers CCRB History

- PO Lovelock has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 2).
- PO Zozzaro has been a member of the service for six years and there is one substantiated CCRB allegations against him (encl. 3A-B):
 - In case number 201105413, an allegation of force was substantiated against PO Zozzaro and charges were recommended but the department was unable to prosecute.
- PO Lohman has been a member of the service for six years and there are two substantiated CCRB allegations against him (encl. 4A-B):
 - In case number 200908337, two allegations of force were substantiated against PO Lohman and charges were recommended for both but the department was unable to prosecute.

Conclusion

Identification of Subject Officers

Based on the video footage, civilian statements, and the officer statements, it is clear that PO Lovelock was primarily interacting with § 87(2)(b) and PO Zozzaro was interacting with § 87(2)(b). Additionally, PO Lovelock said that he closed the door to the police vehicle right after § 87(2)(b) had been kicking his legs out of the car. § 87(2)(g)

§ 87(2)(b) description of the officer who handcuffed her matches PO Lohman's physical description and § 87(2)(b) picked PO Lohman out of a photo array as the officer who threatened to arrest him and used force on § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that the officer who punched § 87(2)(b) called for back-up, and instructed an officer to handcuff § 87(2)(b) was the same officer who made remarks to § 87(2)(b) based upon race, slammed § 87(2)(b)'s head into a police vehicle after he was handcuffed, and threatened to kill § 87(2)(b). PO Zozzaro admitted that he was the officer who

instructed other officers to call for back-up, as well as the individual who instructed an officer to handcuff § 87(2)(b) PO Zummo said that PO Zozzaro instructed him to handcuff § 87(2)(b) when he arrived to the scene. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Additionally, § 87(2)(b) identified PO Zozzaro by name as the officer who pushed him, smacked his phone to the ground and kicked it, and then told him to get the “fuck” back. PO Zozzaro identified himself in the video as the officer who approached § 87(2)(b) pushed him back told him to “Take a walk!” § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) said that an officer with ice on his hand cursed at them inside of the 113th Precinct stationhouse. § 87(2)(b) identified this officer as PO Zozzaro and PO Zozzaro did injure his hand during this incident. § 87(2)(b) and § 87(2)(b) also stated that at the stationhouse, PO Zozzaro spoke discourteously to them and § 87(2)(b) said PO Zozzaro made remarks to her based upon race. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that at the stationhouse PO Lovelock refused to obtain medical treatment after they asked him. § 87(2)(b) and § 87(2)(b) identified PO Lovelock by his name § 87(2)(g)

§ 87(2)(b) identified PO Lovelock by name and said that he called her a “fucking cunt” at the stationhouse. During § 87(2)(b) s photo array, he picked out PO Lovelock as the officer who cursed at § 87(2)(b) § 87(2)(g)

In the video recording, § 87(2)(b) is heard telling an officer that § 87(2)(b) is his fiancée. The officer responds, “I don’t give a fuck...”. At this point in the video, only the audio is useful as there are no figures on the screen. None of the civilians made this allegation and none of them identified the officer making the statement. None of the officers acknowledged saying “I don’t give a fuck” and none of them recognized the voice in the recording. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) stated that after she was handcuffed, PO Lohman handed her to a female officer who put § 87(2)(b) in the police vehicle. While § 87(2)(b) was placed in that vehicle, a male officer pulled § 87(2)(b) hair. § 87(2)(b) provided a generic physical description of this officer and she was unable to pick him out of the first photo array and did not appear for a second. While § 87(2)(b) corroborated the hair pulling allegation, he could not provide any description of the officer who allegedly pulled § 87(2)(b) hair. § 87(2)(b) also stated that as she was being placed in the police vehicle, her phone repeatedly rang and an officer whom she could not describe said, “What are you gay? Is this your girlfriend [calling]?” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that at the scene, an officer spoke discourteously, hit him with an asp, and damaged his cell phone, however, § 87(2)(b) could not provide a physical description of this officer. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) stated that while at the stationhouse, multiple officers made remarks to them based upon their race. § 87(2)(b) and § 87(2)(b) were unable to provide specific descriptions of these officers § 87(2)(g)

Finally, § 87(2)(b) and § 87(2)(b) said that the next morning, an officer spoke discourteously to them while inside of the 113th Precinct. However, neither § 87(2)(b) nor § 87(2)(b) provided a physical description of their respective subject officers. § 87(2)(g)

Allegations Not Pleaded:

§ 87(2)(b) stated that § 87(2)(b) told her that he had been pepper sprayed while they were inside of the 113th Precinct stationhouse, however, no civilian interviewed said that they saw any officer use pepper spray at the scene. § 87(2)(g)

§ 87(2)(b) made allegations on behalf of § 87(2)(b) that officers spoke discourteously to her in the stationhouse, which § 87(2)(b) did not make on her own behalf and vice-versa. § 87(2)(g)

§ 87(2)(g)

Investigative Findings and Recommendations

Allegation A: Force—PO Charles Lovelock hit § 87(2)(b) with a car door at 198th Street and 115th Avenue in Queens.

Allegation B: Force—PO James Zozzaro struck § 87(2)(b) with an asp at 198th Street and 115th Avenue in Queens.

Allegation C: Force—PO James Zozzaro used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.

As stated in the attempts to contact civilians section, to date, neither § 87(2)(b) nor § 87(2)(b) have contacted the CCRB. § 87(2)(g)

Allegation D: Discourtesy—An officer spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue, in Queens.

Allegation F: Discourtesy—An officer spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue in Queens.

Allegation H: Force—An officer used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.

Allegation I: Force—An officer struck § 87(2)(b) with an asp at 198th Street and 115th Avenue in Queens.

Allegation J: Abuse of Authority—An officer damaged § 87(2)(b)'s property at 198th Street and 115th Avenue in Queens.

Allegation Q: Offensive Language—An officer made remarks to § 87(2)(b) based upon sexual orientation at 198th Street and 115th Avenue in Queens.

Allegation V: Offensive Language—Officers made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.

Allegation Z: Abuse of Authority—Officers threatened § 87(2)(b) with the use of force at the 113th Precinct stationhouse.

Allegation 2A: Offensive Language—Officers made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.

Allegation 2B: Discourtesy—An officer spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.

Allegation 2C: Discourtesy—An officer spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.

§ 87(2)(g)

Allegation E: Force—PO Aaron Lohman used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.

Allegation G: Abuse of Authority—PO Aaron Lohman threatened to arrest § 87(2)(b) at 198th Street and 115th Avenue in Queens.

Allegation N: Force—PO James Zozzaro used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.

§ 87(2)(b) alleged that PO Lohman twisted her arm backwards and pushed her as he was handcuffing her. PO Lohman said that he was instructed by PO Zozzaro to handcuff § 87(2)(b) when he got to the scene, so he did. § 87(2)(b) was resisting arrest, however, he did not recall how and he did not recall using any force on her when handcuffing her. In the video recording, § 87(2)(b) can be heard screaming, “Fuck you” to the officer handcuffing her. Additionally, while § 87(2)(b) is being handcuffed, § 87(2)(b) is standing next to her repeatedly asking PO Lohman to “wait” and “stop.” At this point, PO Lohman yelled to § 87(2)(b) that he needed to get back or he would be brought to the ground.

§ 87(2)(b) alleged that PO Zozzaro pushed him in the chest and told him to get back. PO Zozzaro did not recall specifically pushing anyone back, however, he recalled performing crowd control and acknowledged that he may have put his hands on individuals when they tried to get off of the sidewalk. In the video of the incident, multiple officers tell § 87(2)(b) to get back or stay on the sidewalk multiple times throughout.

According to Patrol Guide Procedure 203-11, an officer is instructed to use the minimum force necessary at a police incident (encl. 1A-B).

§ 87(2)(g)

[REDACTED]

Allegation K: Force—PO James Zozzaro used physical force against § 87(2)(b) at 198th Street and 115th Avenue in Queens.

Allegation L: Offensive Language—PO James Zozzaro made remarks to § 87(2)(b) based upon race at 198th Street and 115th Avenue in Queens.

Allegation M: Abuse of Authority—PO James Zozzaro threatened § 87(2)(b) with the use of force at 198th Street and 115th Avenue in Queens.

Allegation O: Abuse of Authority—PO James Zozzaro damaged § 87(2)(b)'s property at 198th Street and 115th Avenue in Queens.

Allegation P: Discourtesy—PO James Zozzaro spoke discourteously to § 87(2)(b) at 198th Street and 115th Avenue in Queens and at the 113th Precinct stationhouse.

Allegation R: Abuse of Authority—PO Charles Lovelock did not obtain medical treatment for § 87(2)(b) at the 113th Precinct stationhouse.

Allegation S: Abuse of Authority—PO Charles Lovelock did not obtain medical treatment for § 87(2)(b) at the 113th Precinct stationhouse.

Allegation T: Discourtesy—PO James Zozzaro spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.

Allegation W: Offensive Language—PO James Zozzaro made remarks to § 87(2)(b) based upon race at the 113th Precinct stationhouse.

Allegation X: Discourtesy—PO James Zozzaro spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.

Allegation Y: Discourtesy—PO James Zozzaro spoke discourteously to § 87(2)(b) at the 113th Precinct stationhouse.

§ 87(2)(b) alleged that at the scene, PO Zozzaro hit his head against a police vehicle after he had been handcuffed and stated, “We’re arresting you, you ugly nigger. I can’t stand y’all. What we’re doing now is nothing compared to what’s going to happen when we get to the precinct. We’re going to kill you black monkeys.” Once at the stationhouse, § 87(2)(b) alleged that PO Zozzaro stated, “You’re not getting shit,” and that PO Lovelock refused him medical attention.

At the stationhouse, § 87(2)(b) alleged that she asked PO Lovelock for medical attention, but he told her that an ambulance could not tend to her because someone else was shot. While at the stationhouse, PO Zozzaro allegedly called § 87(2)(b) a “porch monkey” and told her to, “Shut the fuck up. This is where you people belong anyway.” As PO Zozzaro walked away, she allegedly heard him mumble, “Fucking cunt. Bitch.”

§ 87(2)(b) said that at the scene, PO Zozzaro pushed him and slapped § 87(2)(b)’s phone out of his hand. § 87(2)(b) alleged that after the phone fell to the ground, PO Zozzaro stepped on it and said “Get the fuck back.” Once at the stationhouse, § 87(2)(b) alleged that PO Zozzaro told § 87(2)(b) to “Get the fuck out of my precinct.” § 87(2)(b) also alleged that PO Zozzaro told her to “Get the fuck out of the precinct.”

PO Zozzaro denied having any interacting with § 87(2)(b) or calling § 87(2)(b) an “ugly nigger” or using the word “nigger” in any context. He denied threatening § 87(2)(b) with any physical force or threatening to kill him. He also said he never called anyone at the scene a “black monkey.” PO Zozzaro said that after he put § 87(2)(b) into a police vehicle, he performed crowd control and may have put his hands on some civilians in order to keep them back, but he did not recall any specific interactions, nor did he recall slapping anyone’s phone out of their hand. After PO Zozzaro viewed the video of the incident, he recalled that he told the individual filming, § 87(2)(b) to “Take a walk” (which was captured on the recording) and then pushed that individual back. However, after seeing the video, PO Zozzaro did not recall smacking a phone out of § 87(2)(b)’s hand and did not recall kicking or stepping on a phone on the ground at any point. PO Zozzaro denied using profanity at any point during the incident.

PO Zozzaro did not recall speaking with § 87(2)(b) at the stationhouse and denied saying, “fuck” at any point during the incident. PO Zozzaro denied calling § 87(2)(b) a “porch monkey” at the stationhouse. He denied calling anyone any discourteous or offensive names at any point during the incident. He said that he had no interaction with § 87(2)(b) or § 87(2)(b) at the stationhouse, because he was being checked out by EMS.

PO Lovelock did not hear any officer call anyone a “black monkey,” “nigger,” or “cunt,” nor did he hear any officer use profanity at all during the incident. PO Lovelock said he had no interaction with any of the family members of people who he had arrested. PO Lovelock said that he was only at the stationhouse for a couple of minutes because he had to take § 87(2)(b) to the 112th Precinct stationhouse in order to take a breathalyzer test. When PO Lovelock went back to the stationhouse, he had no interaction with any of the family members of anyone he had earlier arrested. PO Lovelock said that § 87(2)(b) and § 87(2)(b) did not request medical attention at any point. PO Lovelock did not hear PO Zozzaro tell anyone to get the “fuck” out of the precinct and he did not hear PO Zozzaro use any profanity throughout the incident. PO Lovelock also did not hear any officer say the phrase, “porch monkey” or tell anyone that they belonged at the stationhouse.

§ 87(2)(g) [Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Allegation U: Offensive Language—PO Charles Lovelock made remarks to § 87(2)(b) based upon sex at the 113th Precinct stationhouse.

§ 87(2)(b) missed two scheduled appointments at the CCRB without calling before in order to cancel or reschedule. § 87(2)(g) [Redacted]
[Redacted]
[Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date